



contends that his detention was unlawful and that he is entitled to suppression of the paper cup and its contents, as well as his post-arrest confession (as fruit of the poisonous tree).

Defendant also objects to the magistrate judge's conclusion that the search of his residence was supported by probable cause. Defendant maintains that the search warrant affidavit provided an insufficient nexus between defendant's alleged drug activity and his residence and that the warrant was therefore invalid.

The court has carefully reviewed the magistrate judge's M&R, defendant's objections and other documents of record and is convinced that the recommendation of the magistrate judge is, in all respects, in accordance with the law and should be approved. Accordingly, the court hereby adopts the recommendation of the magistrate judge as its own. For the reasons stated in the M&R, the defendant's motion suppress, as amended, is DENIED.

This 2nd day of April 2010.



---

MALCOLM J. HOWARD  
Senior United States District Judge

At Greenville, N.C.  
#31